

CHAPTER 167
SEXUAL EXPLOITATION OF CHILDREN
S.F. 496

AN ACT relating to the promotion of the sexual exploitation of children and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 728.1, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 9. "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do any of these acts.

Sec. 2. Section 728.3, Code 1983, is amended to read as follows:

728.3 ADMITTING MINORS TO PREMISES WHERE OBSCENE MATERIAL IS EXHIBITED.

1. ~~Any~~ A person who knowingly sells, gives, delivers, or provides a minor who is not a child with a pass or admits a the minor to premises where obscene material is exhibited is guilty of a public offense and shall upon conviction be is guilty of a serious misdemeanor.

2. A person who knowingly sells, gives, delivers, or provides a child with a pass or admits a child to a premise where obscene material is exhibited is guilty of a public offense and upon conviction is guilty of an aggravated misdemeanor.

Sec. 3. Section 728.4, Code 1983, is amended to read as follows:

728.4 SALE OF HARD CORE PORNOGRAPHY. ~~Any~~ A person who knowingly sells or offers for sale material depicting a sex act involving sadomasochistic abuse, excretory functions, a child, or bestiality, which the average adult taking the material as a whole in applying contemporary community standards would find appeals to the prurient interest and is patently offensive; and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value shall, upon conviction be is guilty of an aggravated misdemeanor. Charges under this section may only be brought by a county attorney or by the attorney general.

Sec. 4. Section 728.12, Code 1983, is amended to read as follows:

728.12 SEXUAL EXPLOITATION OF CHILDREN.

1. A person commits a class "C" felony when he or she the person employs, uses, persuades, induces, entices, coerces, knowingly permits, or otherwise causes a child to engage in a prohibited sexual act or in the simulation of a prohibited sexual act if the person knows, has reason to know, or intends that the act or simulated act may be photographed, filmed, or otherwise preserved in a negative, slide, book, magazine, or other print or visual medium.

2. A person commits a class "D" felony when the person knowingly promotes any material visually depicting a live performance of a child engaging in a prohibited sexual act or in the simulation of a prohibited sexual act.

However, this section does not apply to law enforcement officers, court personnel, licensed physicians, licensed psychologists, or attorneys in the performance of their official duties.

Sec. 5. Section 728.13, Code 1983, is amended to read as follows:

728.13 FORFEITURE. Everything of value that is furnished or intended to be furnished in exchange for material in violation of section 728.2, or 728.4, or 728.12, subsection 2, all proceeds traceable to such an exchange, and all property, moneys, negotiable instruments, and securities used or intended to be used to facilitate a violation of those sections, and all assets traceable to the violation of those sections, is subject to forfeiture. However, property shall not be forfeited under this paragraph, to the extent of the interest of an owner, if the owner did not have knowledge of or did not consent to the violation of the chapter. The burden of proof is upon claimants of the property to rebut this presumption.

Approved June 1, 1983

CHAPTER 168

PROTECTION OF WILD MAMMALS, FISH, BIRDS, REPTILES, AND AMPHIBIANS

H.F. 343

AN ACT authorizing the conservation commission to protect and manage wild game and nongame mammals, birds, reptiles, amphibians, and fish.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 107.23, unnumbered paragraph 1, Code 1983, is amended to read as follows:

It shall be the duty of the ~~The commission to~~ shall protect, propagate, increase, and preserve the ~~fish, game, furbearing animals and protected birds~~ wild mammals, fish, birds, reptiles, and amphibians of the state and ~~to enforce by proper actions and proceedings the laws, rules, and regulations relating thereto to them.~~ The commission shall collect, classify, and preserve all statistics, data, and information as in its opinion shall tend to promote the objects of this chapter; ~~shall,~~ conduct research in improved conservation methods, and disseminate information to residents and nonresidents of Iowa in conservation matters.

Sec. 2. Section 107.24, subsection 2, paragraph b, Code 1983, is amended to read as follows:

b. Fish hatcheries, fish nurseries, game farms, and ~~fish, game, furbearing animal and protected bird~~ wild mammal, fish, bird, reptile, and amphibian refuges.

Sec. 3. Section 107.24, subsection 4, Code 1983, is amended to read as follows:

4. Capture, propagate, buy, sell, or exchange any species of ~~fish, game, fur-bearing animals and protected birds~~ wild mammal, fish, bird, reptile, and amphibian needed for stocking the lands or waters of the state, and to feed, provide for, and care for ~~such fish, animals and birds~~ them.

Sec. 4. Section 107.24, subsection 8, Code 1983, is amended to read as follows:

8. Control by shooting or trapping any ~~fish, game, fur-bearing animals and protected birds~~ wild mammal, fish, bird, reptile, and amphibian for the purpose of preventing the destruction of or damage to private or public property, but shall not go upon private property for ~~such that~~ purpose without the consent of the owner or occupant ~~thereof.~~

Sec. 5. Section 109.1, Code 1983, is amended by adding the following new subsection after subsection 13: